

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY TRIAL DEMANDED

**DEFENDANTS' NOTICE OF FINAL INVALIDITY THEORIES
AND EQUITABLE DEFENSES**

Pursuant to the Court's April 11, 2025 email correspondence, Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. ("Samsung") hereby give notice of their final invalidity theories, final prior art references/combinations, and final equitable defenses for the jury trial scheduled to begin on April 21, 2025.

Samsung reserves the right to discuss additional prior art references, including but not limited to with respect to discussing the background state of the relevant art, motivation to combine references for 35 U.S.C. § 103 obviousness theories, non-infringing alternatives, and the lack of technical benefits attributable to the asserted patents over the prior art. Samsung also reserves the right to rely upon any closely related references, including literature that demonstrates the operation and public availability of system prior art.

Samsung intends to present the following invalidity theories and prior art references/combinations at the jury trial scheduled for April 21, 2025:

- **U.S. Patent No. 8,406,733, Claims 1, 7, and 19**

1. The GTalkServices system renders claims 1, 7, and 19 anticipated and/or obvious under 35 U.S.C. §§ 102, 103.
2. The GTalkServices system renders claims 1, 7, and 19 obvious under 35 U.S.C. § 103 in view of Wireless Access Protocol (WAP).
3. Claims 1, 7, and 19 are invalid for lack of written description under 35 U.S.C. § 112.

- **U.S. Patent No. 9,198,117, Claims 1, 12, and 16¹**

1. The GTalkServices system renders claims 1, 12, and 16 anticipated and/or obvious under 35 U.S.C. §§ 102, 103.
2. The GTalkServices system renders claims 1, 12, and 16 obvious under 35 U.S.C. § 103 in view of Wireless Access Protocol (WAP).
3. The GTalkServices system renders claims 1, 12, and 16 obvious under 35 U.S.C. § 103 in view of Kalibjian.
4. Claims 1, 12, and 16 are invalid for lack of written description under 35 U.S.C. § 112.

Samsung makes this disclosure based on its current knowledge and understanding of the asserted claims, Headwater's infringement contentions and expert reports, the parties' exhibit lists and other facts and information available as of today's date. Although the list above reflects Samsung's invalidity theories at trial, Samsung reserves the right to present arguments and evidence related to additional prior art in the context of rebutting Headwater's theories on the alleged benefits of the patents, consistent with the opinions set forth in Dr. Foster's expert report—and dependent upon the arguments Mr. de la Iglesia makes during his direct examination.

¹ Samsung intends to present also that these theories render claim 2 invalid from which claim 16 depends.

Dated: April 17, 2025

Respectfully submitted,

By: /s/ Jonathan B. Bright

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CERTIFICATE OF SERVICE

I certify that on April 17, 2025 counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Jonathan B. Bright
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